

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PARNELL JAY FAIR,

Plaintiff(s),

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.,

Defendant(s).

Case No. 2:20-CV-1841 JCM (BNW)

ORDER

Presently before the court is the defendant Lukas Turley's motion to supplement his summary judgment motion. (ECF No. 135). Plaintiff has not filed a response, and the time to do so has now passed.

Defendant seeks to supplement his filings with various declarations authenticating the records attached as exhibits to the original motion. He previously attempted to file the supplement but did not move for leave to do so pursuant to this district's local rules, and this court struck that filing. *See* LR 7-2(g) ("A party may not file supplemental pleadings, briefs, authorities, or evidence without leave of court granted for good cause.").

Plaintiff does not oppose the instant motion. Pursuant to Local Rule 7-2(d), "the failure of an opposing party to file points and authorities in response to any motion . . . constitutes a consent to the granting of the motion." LR 7-2(d). Thus, by failing to file a timely response, plaintiff has consented to the granting of defendant's motion to dismiss. *See United States v. Hvass*, 355 U.S. 570, 574–75 (1958) (holding that local rules have the force of law). Considering this, and with good cause appearing, the proposed supplement is appropriate.

...

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion to supplement (ECF No. 135) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that the clerk file Exhibit 1 to this motion separately as a supplement to defendant's motion for summary judgment (ECF No. 128).

James C. Mahan
UNITED STATES DISTRICT JUDGE